

IN THE CIRCUIT COURT OF FAYETTE COUNTY, TENNESSEE  
FOR THE TWENTY FIFTH JUDICIAL DISTRICT AT SOMERVILLE

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RONALD BLACK,

Plaintiff,

Cause No:

2021 CV 61

vs.

Jury Demanded

NORFOLK SOUTHERN RAILWAY  
COMPANY, HARRY POOLE, CHARLES  
VANDERFORD, and THE ESTATE OF  
BEAU PATRICK THOMAS

Defendants.

RECEIVED & FILED  
CIRCUIT COURT  
AT \_\_\_\_\_ M.

NOV 02 2021

FAYETTE COUNTY, TN  
CLERK

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COMPLAINT

BY: \_\_\_\_\_

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**COMES NOW** the Plaintiff, Ronald Black, and would show unto the Court as follows:

**I.**

That your Plaintiff is a resident citizen of Shelby County, Tennessee; that your Defendant, Norfolk Southern Railway, is a Foreign For-Profit Corporation registered and authorized to do business in The State of Tennessee; that your Defendant Harry Poole is assumed to be a resident citizen of Colbert County, Alabama; that your Defendant, Charles Vanderford, is assumed to be a resident citizen of Alcorn County, Mississippi; that your deceased Defendant, Beau Patrick Thomas, is assumed to be a resident of Desoto County, Mississippi.

**II.**

That your Defendants, Harry Poole, Charles Vanderford, and Beau Patrick Smith, were at all relevant times agents or employees of the Defendant, Norfolk Southern Railway, were acting in the course and scope of their agency or employment and for the benefit of Norfolk Southern Railway. Therefore, Norfolk Southern Railway is liable to Plaintiff for the negligent acts committed

**EXHIBIT A**

by Harry Poole, Charles Vanderford, and Beau Patrick Smith pursuant to the doctrine of *respondeat superior* and for any negligence of its own.

### III.

That on or about November 5, 2020, Plaintiff, Ronald Black, was a business invitee of the Norfolk Southern Rail Yard, owned and operated by the Defendant, Norfolk Southern Railway Company, and located at 3000 Norfolk Southern Way, Rossville, Fayette County, Tennessee. That Plaintiff was leaving the premises after having his truck loaded in section #10 of the railyard. That Plaintiff traveled south before turning to cross the train tracks. That Defendant's employees negligently failed to give Plaintiff an adequate signal to notify him the train was moving or about to move. Due to the lack of an adequate signal from Defendants, Defendants not checking the crossing, and Defendants not ensuring the railway was clear for the train to proceed, Plaintiffs are liable for the accident and the damages Plaintiff received. Plaintiff was crossing the train tracks when suddenly and without warning, Plaintiff was struck by Defendant's locomotive causing Plaintiff's vehicle to flip and roll over causing serious injury to your Plaintiff.

### IV.

At all times material to this Complaint, the Defendant, Norfolk Southern Corporation, had exclusive control of the property in question and had a duty to maintain the premises in a safe condition.

1. The Defendants and Defendant employees had a duty to warn invitees, like Plaintiff, when a train was in motion on the tracks.
2. The Defendants and Defendant employees failed to signal or indicate in any way that the train was in motion or soon to be in motion.

3. The Defendants and Defendant employees failed to provide any adequate warning the train was in motion prior to Plaintiff crossing the tracks.

4. The Defendants and Defendant employees failed to sound the train's horn prior to putting the train in motion to warn Plaintiff the train was in motion or about to go into motion.

5. That Defendants and Defendant employees failed to maintain a proper look out while the train is in motion or prior to the train being in motion.

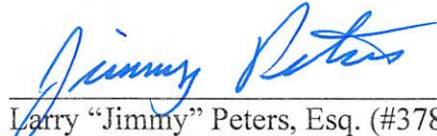
**V.**

As a direct and proximate result of the negligence of the Defendant, and resulting accident, the Plaintiff, Ronald Black, suffered serious, painful and permanent injuries, lost wages, and mental anguish; Plaintiff incurred doctor, medical, hospital and other bills in an effort to cure said injuries and will in the future incur such expenses; Plaintiff capacity for pleasure, business, work and the enjoyment of life have been impaired.

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS:**

1. That proper process issue against the Defendant requiring them to plead and answer.
2. That Plaintiff, Ronald Black, be awarded compensatory damages in the amount of NINE HUNDRED FIFTY THOUSAND and 00/100 (\$950,000.00) DOLLARS.
3. That the Plaintiff be granted whatever other relief, general or specific, this Court deems equitable and just.
4. Plaintiff demands a Jury to try these issues when joined.

Respectfully submitted,



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Attorney for Plaintiffs

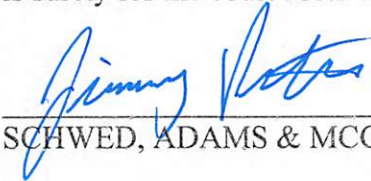
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SCHWED, ADAMS & MCGINLEY, P.A.  
is surety for the court costs of this cause.



SCHWED, ADAMS & MCGINLEY, P.A.